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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

17 Cr. 548 (JMF)

5 JOSHUA ADAM SCHULTE,

6 Defendant.

Conference

7 -----x

8 New York, N.Y.

9 June 15, 2023

9:35 a.m.

10 Before:

11 HON. JESSE M. FURMAN,

12 District Judge

13
14 APPEARANCES

15 DAMIAN WILLIAMS,

16 United States Attorney for the
Southern District of New York

17 DAVID W. DENTON, JR.

NICHOLAS S. BRADLEY

18 Assistant United States Attorneys

19 JOSHUA A. SCHULTE, pro se

20 CESAR DE CASTRO

SHANNON McMANUS

21 Standby Attorneys for Defendant

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(Case called)

THE DEPUTY CLERK: Counsel, please state your name for the record.

MR. DENTON: Good morning, your Honor.

David Denton and Nicholas Bradley, for the government.

MR. BRADLEY: Good morning, your Honor.

THE COURT: Good morning.

MR. SCHULTE: Josh Schulte, appearing *pro se*.

MR. DE CASTRO: Cesar de Castro and Shannon McManus as shadow standby counsel. Good morning.

THE COURT: Good morning to everyone. Welcome back.

Mr. Lockard is not with us, not going to be with us? Is Mr. Bradley replacing Mr. Lockard?

MR. DENTON: No, he's not here today, your Honor.

THE COURT: Gotcha.

Mr. Bradley will be on this case for the purposes of trial?

MR. BRADLEY: I am, yes.

THE COURT: All right. Welcome aboard.

All right. Let me go through a few things.

So if it wasn't clear, my June 6th order, which is at ECF 1055, was intended to and did put to rest any number of recurring issues that Mr. Schulte has been raising. And if the order did not make it clear enough, let me make even clearer that I have no intention of entertaining going forward, that is

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1 to say, I will summarily deny any further requests for a laptop
2 and any further discovery-related complaints, unless they are
3 specific and Mr. Schulte has tried and failed to resolve the
4 issue with the assistance of standby counsel that have been
5 provided to him and through conferring with the government.
6 That is to say, if it's just a generalized complaint that I
7 don't have access to discovery, I don't have access to the Plex
8 server, I don't have access to classified discovery, I'm not
9 going to entertain it. I will summarily deny it.

10 If he can identify specific things that he needs and
11 explain why he needs them and, if appropriate or necessary, in
12 an *ex parte* filing, I'm certainly happy to consider that. But
13 he first has to make efforts to and exhaust efforts to resolve
14 them, with the assistance of Mr. de Castro and the government.

15 On the laptop front, let me say one further thing. As
16 I just made clear, as far as I'm concerned, the June 6th order
17 was the final word on that issue. To the extent that
18 Mr. Schulte believes that he is entitled to a laptop and that
19 my rulings on that issue have been error, he has obviously
20 preserved that issue and is welcome to raise it on appeal in
21 the event that he's convicted in the upcoming trial.

22 That said, in the last conference, Mr. Denton
23 mentioned that, in his view, it would be relatively easy for me
24 to review the laptop and confirm that there are, as the
25 government has represented repeatedly – or were – files of

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1 child pornography, and not just thumbnails; and that that could
2 be done by submitting, I guess, the laptop and a directory of
3 what had been on the laptop when it was provided to Mr. Schulte
4 in the first instance.

5 I will leave it to the government to decide whether,
6 for purposes of belt and suspenders, you think it makes sense
7 to make a comprehensive record, since I certainly think if
8 Mr. Schulte is convicted at the upcoming trial, this is likely
9 to be an issue that he raises on appeal. I'm happy to make a
10 finding on that issue. And if you think that is appropriate
11 and prudent – as I think it probably is – I would encourage you
12 to think about what submissions to make and to make those
13 submissions to me. But I will leave it to the government to
14 think about that and decide how to proceed. If you're content
15 to leave it on the existing record, I certainly think I have
16 made adequate findings to justify my rulings, but I also think
17 there's an interest in making a comprehensive record for
18 purposes of the circuit's eventual review if this issue does
19 come up there.

20 All right. Two issues in that order. I had directed
21 the government and Mr. de Castro to submit a follow-up letter
22 to me, which they did on Monday as directed. One pertains to
23 standby counsel's ability to review discovery, and the
24 government's letter or joint letter reported that one
25 production set, originally denominated production number 16 of

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1 40, standby counsel was unable to open it.

2 Mr. Denton, can you just elaborate on that, that is to
3 say, describe what that production set is, what proportion of
4 the overall discovery it constitutes, and tell me where things
5 stand on that front.

6 MR. DENTON: Yes, your Honor.

7 So that production set consists principally of returns
8 from electronic service providers for various accounts
9 belonging to the defendant, as well as, I believe, the
10 extraction of one of his cell phones.

11 As we relayed to standby counsel, I think by and
12 large, it's not material that we would expect to rely on at the
13 upcoming trial. It does not include, for example, the results
14 of the defendant's Google account which were discussed
15 extensively in advance of and during the defendant's last
16 trial. We discussed the issue that standby counsel was having,
17 and it seemed to pertain less to particular files than to the
18 production as a whole. It sounded like there was a recurring
19 problem of being able to access the production at all.

20 So we agreed in the first instance we'll make a clean
21 copy for them and see if that helps. Otherwise, we've got some
22 excellent paralegals who worked on this case, who are very
23 familiar with opening and using the discovery; so we're happy
24 to put them in touch with whoever standby counsel would like to
25 try and assist with that. We tried to do that over the last

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1 couple of days using our file sharing system. It's a little
2 too big for that, so we are putting it on a thumb drive, and we
3 expect that to be done - fingers crossed - today, but certainly
4 by the end of the week.

5 THE COURT: All right. And do you know if that same
6 problem applies to the discovery that is available to
7 Mr. Schulte himself?

8 MR. DENTON: I don't know, your Honor. But we are
9 planning to send him another copy in the same way that we are
10 for standby counsel.

11 THE COURT: All right. Thank you.

12 That certainly suffices for my purposes.

13 But, Mr. de Castro, anything you want to say on that
14 score?

15 MR. DE CASTRO: Not much to add, Judge.

16 That's true, we were having difficulties getting into
17 it. We have conferred with the government about it; we're
18 trying to fix those.

19 One of the issues is because there's so much -- well,
20 I guess there's two issues.

21 There is a lot of discovery in this case, but then
22 there's also been so many reproductions of the discovery for
23 various reasons. So, for example, let's say, just use regular
24 numbers, production one, for example, if that gets reproduced
25 later in production 12, it may have been reproduced, so we may

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1 have it in two different spaces, and then there was a whole
2 reproduction. So we're just sorting through a lot of that.
3 We've been going back and forth with the government, sort of
4 trying to figure out the matrix on that. They know it, so they
5 just get back to us pretty quickly.

6 In terms of just figuring out access, they are going
7 to help us with that. One of the things that I think would
8 be -- which is a difficulty for us, is that when we go visit
9 Mr. Schulte, it's not that I can bring a laptop there, I can't
10 do that. Because then that would alleviate -- and I don't know
11 if this is something we may need to do in the future, and it
12 could be just done at the courthouse, is just -- so I know why
13 the government wants me to tell them or Mr. Schulte to tell
14 them which exact files are a problem or what the jail doesn't
15 have to open. The only way to do that is to try to open it on
16 a jail computer and then tell us, but then he has to make a
17 list.

18 We have the same problem. I mean sometimes -- you
19 know, normally with discovery, for us, it's we get all this
20 stuff from the government on any case, we try to open it, it
21 never works. It works; it's just that I have to go get another
22 program for it. And it's easy. In this day and age, I just
23 download it in five seconds. Now, I know the MDC doesn't do
24 that. So that's what makes it a little bit hard.

25 And then, of course, the mail issues are that he

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1 either mails it to me or tells us the list or sends the Court
2 the list, and then we're three weeks behind on it. That's the
3 difficulty.

4 I only say all that to make a record of it, but also
5 we are trying to work through it now, and the government and
6 standby counsel are trying to figure out a solution that works.
7 And we have some, so we're just trying them in the next week.

8 THE COURT: All right. Thank you. That all makes
9 sense to me. I understand the practical difficulties.

10 But the fact is that Mr. Schulte can make a list. And
11 this issue came up months ago. And I think it was clear then
12 that that was the way that we needed to proceed; that it was
13 incumbent upon him and the burden was on him to identify
14 specific things to which he needed access. And it wasn't
15 available in a format that he could access and to advise you
16 and to work through those issues.

17 And to the extent that he spent the last few months
18 writing letters to me complaining about me and various other
19 things, you know, he's chosen to devote his time and resources
20 to other things. That's his choice, and that's fine. But all
21 I'm saying is that I think he's had ample time to do what I
22 think it was clear he needed to do, which is to identify very
23 particularly the things that he needed access to that he
24 doesn't have, given that all of the discovery, nonclassified
25 discovery, was reproduced to him and is available to him. But,

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1 in any event, I recognize the burdens and the challenges, and
2 you can try to work through them going forward.

3 I will say the court liaison I've referenced in
4 various orders is present in court today; he's here to listen.
5 First of all, he has been extraordinarily helpful to me in
6 addressing many of the issues in this case and is very
7 committed to trying to improve things at the MDC generally, but
8 also to address this particular case and ensure that we can get
9 it to trial and that's done relatively smoothly.

10 So I mention that only because, Mr. de Castro, you
11 know, I think if there are concrete issues in ways that this
12 could be done better from your standpoint, from Mr. Schulte's
13 standpoint, we can discuss them. And I'm sure that the court
14 liaison would entertain them. There may be nonstarters. I
15 don't know if, for example, bringing a laptop into the MDC is a
16 nonstarter, but, you know, they have been willing to work with
17 me to try and address some of these issues and to relax certain
18 rules that would otherwise apply to address some of the issues
19 that have come up. So let me leave it there.

20 Mr. Schulte, anything that you want to say on any of
21 the issues that I've discussed thus far?

22 MR. SCHULTE: Yes.

23 Starting with the June 6 order, I just wanted to,
24 first of all, notify for the Court that I had filed a
25 reconsideration motion that the Court hasn't received yet. But

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1 that I disagree; all the facts that the Court stated in this
2 order were not true. For example, the SCIF -- the Court
3 noticed something about -- said something about, Oh, I provided
4 Mr. Schulte an opportunity to submit an *ex parte* filing
5 regarding the SCIF computer. And that filing was submitted
6 with the motion. It was noted in the motion and there is an *ex*
7 *parte* submission sitting there in the record. And several --
8 almost everything stated in here was incorrect.

9 So I would like to correct the record; I think it's
10 important for me to do that. I would like to go through that.
11 But if the Court doesn't allow me to, I can always write a
12 letter detailing why all these -- all this stuff that the Court
13 has said is actually false. And I have filed for the Court --
14 I actually did make a very specific filing of the stuff that I
15 wasn't able to access. I specifically stated it constituted 95
16 percent of the discovery, I named the production number, and I
17 named the file types. And I also stated that there's no way to
18 convert these file types; and that it is the government's
19 obligation -- it's not standby counsel's obligation -- to provide
20 me the discovery pursuant to Rule 16. The government is
21 obligated to make the discovery available to me, which they did
22 not.

23 THE COURT: Can I stop you?

24 If you filed a motion for reconsideration, I'm sure it
25 will arrive and I will consider it in the fullness of time. So

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1 as far as I'm concerned, that's the record that you'll make on
2 whatever you think I got wrong in my June 6th order, and I'll
3 consider it and either direct the government to respond or not,
4 as the case may be. But that's your filing on that issue.

5 To the extent that you say that I have -- that you
6 submitted something previously with specifically identifying
7 files that you could not access, can you point me to what
8 you're talking about, because I'm not familiar with any such
9 filing.

10 MR. SCHULTE: It's the same filing that I submitted
11 with the *ex parte* submission regarding the SCIF. It's in the
12 motion for access to the discovery. I specifically say the
13 SCIF is material to the defense, and here it is in Exhibit A *ex*
14 *parte*. I submitted that -- I filed -- submitted that.

15 For the discovery, I very specifically in that motion,
16 I detail, say, Here the government didn't produce this for ten
17 months, until April 25th. Once it was produced, they didn't
18 provide the application, the FTK imager application that they
19 had previously provided; and that the materials, the forensic
20 images, could not be viewed on the computer.

21 I outlined production number six, those files, and I
22 went through all the file types and said these are the file
23 types that can't be viewed. And there's no way -- there's no
24 way to convert file types, because that's not -- there's no way
25 to do that on that computer. So I was very specific in that

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1 filing.

2 And also, just to note for the Court that this issue
3 has come up before. And the problem is -- and I requested this
4 from the Court; I still don't have access to the complete
5 docket. If I had access to the docket, I would point the Court
6 to the specific filings and the --

7 THE COURT: All right. Mr. Schulte, that's what
8 Mr. de Castro is there for, to assist you in those sorts of
9 ways. So you're welcome to ask him for that, and I'm sure he
10 will provide it to you. And as you know, I have arranged for
11 the MDC to relax its rules about passing things between you.
12 And in that regard, he should be able to provide you with
13 updated copies of the docket on a regular basis. So that's a
14 nonissue as far as I'm concerned.

15 MR. SCHULTE: The issue is the complete docket, like
16 all the docket entries. They've said that they don't have the
17 resources to do all that, and the government already has
18 already done all that because they were ordered to do it
19 before.

20 THE COURT: Mr. Schulte, Mr. de Castro can give you a
21 printout of the docket. And if there are particular documents
22 you need or want, I'm sure that he can also assist you in that.

23 What's next?

24 MR. SCHULTE: I mean, yeah. So the -- I mean the --
25 it's still unresolved that I can't review 95 percent of those

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1 filings.

2 The other two -- so the SCIF computer, like I said,
3 it's material. I filed an *ex parte* letter. The Court ignored
4 it. So I'll just have to present to the Court of Appeals that
5 the material -- to show the material, and then this upcoming
6 trial will be annulled.

7 The Plex server, I noticed it constitutes 60 percent
8 of the discovery. And at the last hearing, the government said
9 that they were going to provide it. They did not do so. And
10 this server also -- I think I filed a letter, the Court hasn't
11 received it yet, but about 1500 items from the Plex server are
12 material as well that I had previously pulled out. And I have
13 outlined specifically why all that is material to the defense.

14 THE COURT: And where did you do that?

15 MR. SCHULTE: I don't think you've received that
16 motion yet. But just as I provided -- some of the reasons is
17 access and transfer records, server command logs, installation
18 dates and time, use of virtual machines, including templates,
19 details of access, who has access, and the way that it had
20 access to the desktop, and the users that were able to access
21 the desktop from the server. And those are just a few
22 examples. But I have specific files that I had picked out.
23 There was, like I said, 1500 items that are material. So
24 again, that --

25 THE COURT: Mr. Schulte, I think part of the problem

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1 here, first of all, to the extent that you say I have not
2 addressed something you have filed, that's just demonstrably
3 false. I have addressed every single thing that you have
4 filed, even though you file things over and over and over again
5 and raise the same issues over and over and over again.

6 It is certainly possible that within a filing you made
7 some request or made some representation that I did not
8 specifically address. If so, it is merely because of the sheer
9 mass of things that you have filed and complaints that you have
10 raised. That's something that may have, you know, slipped
11 through the cracks; if so, you're welcome to renew it. But it
12 is incumbent upon you to file something and say, Judge, here
13 are the very specific things that I need and here is why I need
14 them, okay.

15 It is not sufficient to say that the Plex server
16 constitutes 60 percent of the discovery. The Plex server, I
17 understand, is 12 terabytes of data. That's certainly a lot,
18 and it may well -- it's not surprising that that would be 60
19 percent of the discovery, but that does not mean that it is
20 relevant or material to the issues that are going to be tried
21 on September 11th, which pertain only to the child pornography
22 charges.

23 As I understand it, the Plex server is primarily
24 relevant -- maybe even exclusively relevant -- to the copyright
25 charges that the government has dropped. So unless you can

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1 identify and explain with more than just conclusory assertions
2 why you need access to those kinds of materials, it isn't
3 enough to say that that is a large percentage of the discovery.
4 You need to demonstrate a need, you need to demonstrate a
5 specific need, and you need to itemize what it is that you need
6 and why you don't have access to it.

7 Do you understand?

8 MR. SCHULTE: For example, back to when you're saying
9 all the materials have been reviewed. As I said, the ex
10 parte -- you say in this letter that I never filed the ex
11 parte letter regarding the SCIF, and I did. So that's that.

12 As far as the Plex server, it's material, and I have
13 provided as much information as I can as to why it's material,
14 but I don't have access to it. And I'm just noting for the
15 Court that Rule 16 requires anything that was seized from me to
16 be provided to me so that I can produce those records to the
17 Court. And I know that the Court of Appeals has said that even
18 materials that -- that belong to the defendant and were
19 produced to him, normally that's -- that error is ignored; but
20 when it's specifically requested and the Court is notified that
21 it contains material evidence and there's no way for me to
22 specifically attach why -- attach those materials to the Court,
23 then the Court of Appeals has said that any trial is vacated
24 and reversed. So I provide as much detail as I can as to why
25 it's material for the CP case. I cannot do so more without

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1 access to it, and you've decided not to give me that access.

2 THE COURT: As I noted in my June 6th order, your
3 expert and standby counsel both have access to it. Between
4 that and your ability to identify what is in there that you
5 need, that is certainly sufficient in my judgment.

6 Next.

7 MR. SCHULTE: But that's not the way --

8 THE COURT: Mr. Schulte, next. Next.

9 MR. SCHULTE: I'm just noting for the record that
10 *Faretta* requires that I am in control of the defense, not
11 standby counsel. It is very clear. So when I file my *mandamus*
12 petition, it will be clear for them as well.

13 As far as the supplies, I note that I think they
14 mentioned it, but my legal -- I'm still not able to get legal
15 calls. And as for --

16 THE COURT: Mr. Schulte, I haven't addressed the
17 supplies issue.

18 Anything else on the issues that we have discussed,
19 namely, the laptop and access to discovery?

20 MR. SCHULTE: So we went through the material that the
21 government provided to me that I cannot access 95 percent of
22 and I provided to the Court --

23 THE COURT: Mr. Schulte, please stop repeating
24 yourself. Is there anything else that you want to raise?

25 MR. SCHULTE: I'm going through -- I'm going through

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1 it right now.

2 The work product issue is another major issue, because
3 all the material that was seized from me, including handwritten
4 notebooks, CDs, the discovery drives, constitutes work product.
5 And I think the Court disregarded this without really
6 considering the implications. It's not just Rule 16, but this
7 is -- it's a due process -- due process issue, because I have a
8 constitutional right to these materials from both *Faretta* and
9 *Bounds v. Smith*. *Bounds v. Smith* requires that the Court
10 provide me with materials to work on my case; and *Faretta*
11 requires that I be able to assist in my own case.

12 So all the work product I produce, which is all of the
13 review of the discovery, the motions, the motion practice, the
14 direct, cross-examinations, exhibits, demonstratives, all this
15 information that I have created and the government has, I
16 have -- in addition to Rule 16, I have a due process right to
17 these materials. You deprived me without any process, and it
18 offends substantive due process as well, because it shocks the
19 conscience that the government will not provide materials that
20 I created for my own defense. They can basically hold this
21 stuff hostage, take all my work product and not provide it to
22 me. So I think this is something else that will require the
23 trial to be thrown out, because the Court is not allowing me to
24 have access to this material. I'm forced to basically start
25 over after ten months.

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1 THE COURT: All right. Anything else, Mr. Schulte?

2 MR. SCHULTE: I needed to clarify the issue with
3 respect to the laptop, because the Court says that I've never
4 challenged the government's contention about violating laptop
5 rules. I want to make sure -- make this clear on the record
6 that I've done nothing but contest the government's lies about
7 mishandling the laptop.

8 As I've informed the Court before, with respect to the
9 BIOS accounts, there's two; there's a privilege/unprivilege.
10 The government configured the BIOS, and then locked it with the
11 privileged BIOS password. That account was never accessed and
12 the BIOS was never modified. I want to be very clear with the
13 Court that this is even easier to prove than the child
14 pornography thing. It takes three seconds to get the logs from
15 here to verify that that administrative account was never
16 accessed, the BIOS was never modified. The unprivileged
17 account the government left to me; and all this account could
18 do was view the settings that are permanent and set by that
19 password. So there was never any violation of any laptop rules
20 at all.

21 As far as the encryption that the government complains
22 about, this was first revealed to the government in 2018, when
23 they seized the laptop in 2019, and they never once said that
24 this had any -- that there was any rule against this for the
25 laptop. In fact, they returned it with encryption. There's

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1 never been any rule ever stated that no encryption can be used,
2 and so there's no violation for this. The government returned
3 it even though it was encrypted and never complained about and
4 never brought it up.

5 Other thing about the laptop is that the government
6 seems to say that this is the exception and not the rule, which
7 may be true for general population; but under SAMs, it's not
8 the case due to the restrictions on our ability to access
9 things. Every SAMs inmate, Saipov, Asanov, Abdullah, Elametti
10 and El Chopo, when they were there, all had laptops. The
11 reason is the law library is very restricted; it is very hard
12 to be able to go to the law library and access this stuff.
13 Every inmate shares it. It's used for VTCs. There's no
14 bathroom, you only get an hour at a time, and once it's used,
15 you can't come back, you can't use it on the afternoons or
16 weekends. And, you know, they keep it freezing cold in there.
17 Typewriter, you have to put it on your lap to use it. So
18 it's -- the restrictions there are due to SAMs. If I was under
19 general population, I could have everyday access to these
20 materials. So the government can't, you know, increase my --

21 THE COURT: All right. Mr. Schulte --

22 MR. SCHULTE: -- restraints without providing --

23 THE COURT: Mr. Schulte, if you filed a motion for
24 reconsideration, I'm sure you have addressed and made a record
25 on the laptop.

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1 Anything else?

2 MR. SCHULTE: Well, just to clarify, is that -- the
3 reconsideration is not for the June 6 order. I just recently
4 received this. So the reconsideration is for the Court's
5 denial of the discovery. So I haven't -- since I just received
6 this order, I haven't filed anything with respect to that. So
7 I can do that.

8 THE COURT: I misunderstood. I thought you very
9 clearly said you had filed a motion for reconsideration of the
10 June 6th order. If you have a motion to file on that, make
11 whatever record you want, and I will certainly consider it.

12 Anything else?

13 MR. SCHULTE: Yes. The docket 1023, I wanted to note
14 is that I only just received this. So this is the letter that
15 counsel provided to me, dropped off for me May 19th, and I
16 didn't receive it till June 12th. So the Court never -- never
17 sent this order to me, so I've only recently had an ability to
18 look at this. And the Court -- in this order, the Court grants
19 two weeks to work on the Rule 29.

20 So as far as the Rule 29, I just want to also make
21 clear that there is emails to the government telling them that
22 I don't have access to several of the files for the record, and
23 the government acknowledges that. And they refuse to convert
24 the files because they say that would be -- they can't modify
25 submitted exhibits.

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1 THE COURT: Mr. Schulte, the Rule 29 motion is fully
2 submitted. The record on that is developed. You've certainly
3 preserved any arguments you want to preserve on that issue, but
4 that's done.

5 All right. I think I've heard enough. As I said, as
6 far as I'm concerned, the June 6th order is my final word on
7 the laptop. If there's a motion for reconsideration on that
8 issue, I will certainly entertain it. If the government wants
9 to make additional -- or develop the record on the child
10 pornography front, I'm mindful of the fact that Mr. Schulte is
11 obviously not dropping the issue, it certainly may do so. But
12 as far as I'm concerned, that issue is in the past in this
13 case.

14 I will certainly look back at Mr. Schulte's prior
15 filings with respect to what discovery he needs. I do not
16 recall any submission identifying with particularity, let alone
17 explaining why he would need any particular evidence, but I
18 will look at it. I'll look at the *ex parte* exhibit that was
19 filed in connection with that; and if there's a need to revisit
20 or elaborate on that, I will certainly do so.

21 MR. SCHULTE: And I just had two more -- two final
22 things for the Court.

23 One, if the Court is going to allow the government to
24 present evidence and put it on the record, then they have to
25 provide equal access to the defense and my expert, so that we

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1 can -- you know, there's no due process and the government just
2 filing its one report without giving the defense an ability to
3 do that. So the Court is going to grant the government, the
4 government is going to take that opportunity; it should provide
5 the defense the same opportunity to present something on the
6 record.

7 And then finally, I just note for the Court that since
8 I don't have discovery, there's no way for me to meet any
9 deadlines, the Court's denied my right to self-representation,
10 so there's no way I can represent myself. So I request the
11 Court to set in two weeks' time, schedule a hearing so that we
12 can turn it back over to counsel, because without discovery,
13 there's no way I can continue on this.

14 THE COURT: Well, listen, if you want to give up your
15 right to represent yourself and restore counsel, I'm happy to
16 do that right here, right now, with the understanding that
17 that's it; that Mr. de Castro needs an adequate amount of time
18 to prepare for this case. We're still three months out from
19 trial, and I think that is an adequate amount of time to
20 prepare for a case that I think there's no question is far less
21 complicated than the last trial in this matter. But we can't
22 go back and forth.

23 I think -- Mr. Schulte, stop.

24 It's clear to me that you didn't actually -- or you
25 didn't believe when I gave you various warnings in the *Faretta*

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1 hearing about what you would and wouldn't have access to, or
2 you had a misunderstanding about what the implications of that
3 would be, but it's now become clear, if upon -- if, in light of
4 that, you wish to reconsider and go back to having counsel, I
5 am more than happy to have Mr. de Castro resume his
6 representation of you and take over this case, believe me. But
7 there's no need to set a deadline of two weeks. That decision
8 can be made here and now.

9 MR. SCHULTE: No, I think it's necessary for two weeks
10 for me to confer with counsel and to allow my filings to reach
11 the Court that I have already filed. And I have at least two
12 final motions that I want to submit for the Court. And just --
13 and one final thing, to make sure that the record is very clear
14 that the Court has denied my right to self-representation. So
15 I need a couple weeks to prepare these, and I want to -- and
16 then so I would like to file these and then turn it over to
17 counsel once this is on the record.

18 THE COURT: All right. Well, listen, you can file
19 whatever you want to file. You can at any point make a request
20 to go back to having counsel. As I warned you back in April,
21 if that request is made without enough time for Mr. de Castro
22 to prepare for trial such that the trial date would be put in
23 jeopardy, then I'm going to deny the request and you'll have to
24 proceed on your own. We're not going to go back and forth.
25 We're not going to move the trial date. So you should proceed

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1 as you wish to proceed, recognizing the rights that you have
2 and the implications of the decisions that you have made.

3 But I'll consider whatever it is that you file. I
4 would certainly urge you to reduce the number of things that
5 you file and concentrate on making specific requests; but you
6 want to make whatever record you want to make, I think I have
7 in no way, shape, or form denied you your right to represent
8 yourself. To the contrary, I have gone to great lengths in
9 this case to ensure that you have a meaningful right to
10 represent yourself. It's just there are certain things that
11 you think you are entitled to that, quite frankly, you're not.

12 Mr. Denton, let me turn back to you. I don't know if
13 you want to address any of the things that Mr. Schulte has
14 spoken to. In particular, though, it might pay for you to
15 address his references to his prior filings on the discovery
16 front, the Plex server. And to the extent that he has
17 requested his work product, I think I had been under the
18 impression that he or at least representatives of him had been
19 given access to what was on -- or portions of what was on the
20 laptop, if not to have copies of it, then to at least see it.
21 But tell me what the story is there.

22 MR. DENTON: Yes, your Honor.

23 So just take those in order.

24 With respect to the prior filings, I think we are also
25 not familiar with, sort of, a request with specificity. We

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1 have been in consultations with standby counsel this past week
2 about purely the mechanics of Mr. Schulte getting Mr. de Castro
3 a list and Mr. de Castro getting it to us. I can't promise
4 that everything will be doable, but it is certainly possible to
5 convert document files and Excel files into PDFs or other
6 formats.

7 We have also been in regular contact with the court
8 liaison at the MDC about these issues at a pretty high degree
9 of specificity. So I think we're happy to, you know, continue
10 those discussions with standby counsel and with the MDC to try
11 and come up with ways to make things work. It's simply not
12 tenable for us to get a request that says, Well, I can't open
13 any Excel files, so convert all of them. I think there we
14 would lean on some help from standby counsel.

15 I think also we're pretty happy to be open with
16 standby counsel and Mr. Schulte about what parts of the fairly
17 voluminous discovery we consider relevant to the government's
18 case at a far more limited trial. There's a lot of evidence
19 and a lot of material that was produced as part of the
20 investigation and the prosecution of the espionage crimes that
21 have already been tried. And we have no need to be coy about,
22 sort of, which falls into which bucket. So we are happy to
23 have that conversation as candidly as we can.

24 The Court has set deadlines for this, but we are also
25 mindful of the salutary benefits of identifying exhibits and

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1 producing them in exhibit form sooner rather than later; so
2 that is certainly something that we're working on to try and
3 alleviate these issues.

4 With respect to the Plex server, I would simply say
5 the same thing that we've said with respect to all of this: We
6 are happy to engage in a reasonable discussion about what parts
7 might be relevant. To the extent that the many, many terabytes
8 of unlawfully downloaded movies that are no longer being
9 prosecuted under the copyright charge are not in that bucket,
10 it's then entirely possible that we may be able to reach some
11 reasonable accommodation about exporting a part of it; and
12 we're happy to do that, again, in consultation with standby
13 counsel. So to the extent that it sounds like a lot of what
14 Mr. Schulte has referred to are, sort of, metadata and forensic
15 artifacts, that may be something we can accomplish without
16 needing to produce 12 terabytes of movies.

17 THE COURT: Can I interrupt for a moment.

18 Would it be feasible for you to produce an exhibit
19 list and copies of those exhibits by the July 14th deadline for
20 the submission of motions *in limine* and request to charge,
21 which would not preclude later revisions to that list, but at
22 least to the extent that you can, by that date, identify the
23 bulk of what the government anticipates using at trial, I think
24 it would be salutary and might focus the defense on those items
25 and ensure that he has them in a form that he can access.

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1 MR. DENTON: I think, your Honor, we have, sort of,
2 also been viewing that as kind of a soft target in our minds.
3 I think the upcoming expert disclosures will also very heavily
4 inform that. So I think we will be able to accomplish a lot of
5 that, but there are still a few unknowns, so I wouldn't want to
6 commit too firmly to that.

7 THE COURT: All right.

8 Well, here's what I'm going to do to make it a little
9 more firm: I am going to order you to disclose the exhibits
10 and exhibit list by that date, with two provisos: One is,
11 again, doesn't preclude later modification to the list, but to
12 the extent that I assume that the government can – if not now,
13 certainly by then – identify the vast majority of what it would
14 intend to use at trial, I think it would make sense to provide
15 a list of those things to the defense and ensure that
16 Mr. Schulte can identify anything on the list that he can't
17 access, to the extent that you don't provide copies of it on
18 that date itself.

19 Number two, if, despite your due diligence, you can't
20 meet that deadline for some reason, you can always request a
21 reasonable extension. But I just think it makes sense to
22 ensure that sooner rather than later that list and copies of
23 those exhibits are provided so that we can put a lot of these
24 things to rest. Okay?

25 MR. DENTON: Understood, your Honor.

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1 And I'll just say, like I said, we certainly see no
2 need to be guarded about this. We're prioritizing the
3 identification and marking of the materials from the desktop
4 that pertain specifically to child pornography that was found
5 there. There's a whole variety of other materials, like
6 results from the defendant's -- searches of the defendant's
7 Google account or the chat server that he maintained, which I
8 expect the government would introduce but are, in some sense,
9 secondary. In those cases, I think we may try and have a
10 conversation with standby counsel about where those exhibits
11 would be, what those files are, and kind of try and provide
12 some direction, even if the specific exhibits themselves will,
13 sort of, be forthcoming later.

14 THE COURT: Understood.

15 Okay. Anything else on the discovery front before you
16 turn to the work product issue?

17 MR. DENTON: The only other thing I would note, your
18 Honor, because the Court wanted an update on this before it was
19 rescheduled, the defendant's expert has been reviewing the
20 material that's subject to the Adam Walsh Act this week. My
21 understanding is that he reviewed it at the FBI on Monday and
22 Wednesday, met with the defendant on Tuesday in between, is
23 doing some work today, and then will be back at FBI tomorrow.
24 We've had some productive conversations, both with him and with
25 standby counsel about some materials that he's asked to be

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1 exported. Some of that is possible; some of it we can't
2 necessarily do in compliance with the Adam Walsh Act, so we've
3 made clear we're happy to give the expert as much time as he
4 needs for the materials that we can't give him to take with
5 him.

6 THE COURT: All right. And obviously June 30th is the
7 deadline for expert disclosures, so everybody should be mindful
8 of that.

9 Okay. Anything else on that front?

10 MR. DENTON: No, your Honor.

11 I'm happy to address the work product issue.

12 THE COURT: Please.

13 MR. DENTON: So, your Honor, we did give the defendant
14 and standby counsel – previous standby counsel – access to
15 review the laptop and do so consistent with the restrictions
16 necessary for its handling. We hit a bit of a roadblock
17 because, as I understand it, a lot of the defendant's work
18 product is in encrypted partitions that the government is
19 working or has worked to unlock. But he has, sort of, been
20 unwilling to do that. So we're in a position where he can't
21 really identify for us what he wants us to export and provide
22 him, because he won't give us the means to access it. We can't
23 just give it to him, tell him to unlock and handle the evidence
24 in the first instance. So, again, I think we're happy to
25 engage in the discussion, but he's kind of got to meet us

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1 halfway to make it work.

2 MR. SCHULTE: I don't have to turn over -- I have a
3 Fifth Amendment right; I don't have to turn over any evidence
4 to the government. It's crazy for the government to require
5 me, in order to give them work product, to give them access to
6 all this information. That's not how it should work.

7 I have requested before to be allowed to access the
8 material with experts or standby counsel, specifically pick out
9 the material I wish, give it to my counsel, who will then give
10 it to the wall team to review and then hand it to me. There's
11 no reason that this can't be done.

12 THE COURT: I think Mr. Denton, here and elsewhere, is
13 being entirely reasonable in what he is offering and is
14 offering to work with standby counsel and you, Mr. Schulte, to
15 try and provide you with what it is you need. But I think the
16 burden is on you in the first instance to identify what those
17 things are. So you know what work product is on your laptop;
18 you can discuss with Mr. de Castro what it is you need. The
19 fact of the matter is your cross-examinations of witnesses who
20 are relevant only to the espionage counts and are not relevant
21 to this, that's not necessary. So there are probably a handful
22 of things on there that may be helpful for the upcoming trial,
23 that's fine. You should identify those to Mr. de Castro; he
24 can discuss it with the government. I'm sure that the
25 government -- at least the prosecution team -- will not review

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1 your work product, but can make it available to Mr. de Castro
2 to provide to you. That's the end of the matter. That's it.

3 Mr. Schulte --

4 MR. SCHULTE: I just wanted to say --

5 THE COURT: No. Mr. Schulte, that's it. I'm not
6 discussing this issue any further.

7 MR. SCHULTE: No, I just want to clarify --

8 THE COURT: Mr. Schulte, I am -- Mr. Schulte, stop,
9 okay? You don't get to just talk on and on and on and
10 filibuster. I get to tell you when you're done, you're done.
11 Thank you.

12 Mr. Denton, anything else on that?

13 MR. DENTON: The only other thing I'd say with respect
14 to the laptop, your Honor, is I think my only hesitation about
15 making any further presentation to the Court is simply the
16 logistical difficulties, given the handling of the material,
17 which, candidly, I don't have much experience with. We will
18 confer with people who do and figure out the most effective way
19 to provide information responsive to the Court's questions.

20 THE COURT: Understood.

21 Suffice it to say if it would facilitate, I'm
22 certainly happy to go to the FBI and use a space there to
23 review something; that is to say, it doesn't need to be done in
24 chambers, but I'll leave it to you to think through what those
25 issues are and whether you want to make that sort of

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1 submission. All right?

2 MR. DENTON: Understood, your Honor.

3 THE COURT: All right.

4 The other item that the government -- or the joint
5 letter of June 12th addressed is mail delivery. I certainly
6 appreciate your efforts on that score, and the court liaison's
7 efforts to facilitate that, especially as we get up to trial,
8 to ensure expeditious delivery in both directions of mail.

9 Let me just say in reference to something Mr. Schulte
10 said a moment ago, I'm a little concerned that he indicated
11 that he didn't receive my March 23rd order until recently. And
12 it may be that that is because of the transition from
13 Ms. Shroff to Mr. de Castro and, sort of, the prior system on
14 that score had broken down. But it used to be that both the
15 government and standby counsel, if I remember correctly,
16 basically, took steps to send anything that was filed in this
17 case to Mr. Schulte as a sort of belt and suspenders to ensure
18 that he received things in a timely fashion. And I had been
19 relying on that system continuing. And to the extent that
20 there was a breakdown in it, I want to make sure that, going
21 forward, we're all on the same page there.

22 Mr. de Castro.

23 MR. DE CASTRO: Yes, Judge, thanks.

24 So we have -- we did mail it to him. Something is
25 going on with -- so I think it's helpful that the liaison is

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1 here. So we had our mitigation specialist there on Monday. So
2 we did mail the decision; he had not received it. And the mail
3 delivery came in while she was sitting with him. And he
4 received mail from us that was stamped received by the MDC May
5 22nd. This is this past Monday, so three weeks earlier. And
6 so for whatever reason, our mail is taking three to four weeks,
7 even -- we're talking after it's received at the MDC. One of
8 our packages had been stamped, you know, late May that had been
9 hand-delivered, meaning we put it in the box at the MDC.
10 Another had stamps on it.

11 Now, the mail that the mitigation specialist has sent
12 him he's getting in seven days. So I don't know why -- and we
13 are mailing him things almost daily, and that is taking a very
14 long time. And then things she is mailing he is receiving
15 pretty promptly. So I don't know if there is -- those go into
16 two different buckets and we say, Okay, here's legal mail. My
17 thought, I mean, I would think that would be facilitated, the
18 legal mail, but it seems to be getting there slower.

19 Now, anecdotally, this happens with every client I
20 have at MDC. I seem to have to mail things sometimes two and
21 three times. It happens at other facilities at the BOP as
22 well. I'm not trying to, you know, crash on the BOP, but it is
23 very hard for us to engage in communications with clients via
24 mail. It just never gets there.

25 We have tried. I know the government has talked to

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1 the facility about, Well, can we FedEx it? Any FedExes to most
2 BOP facilities are returned to me. And I do know that we mail
3 to a P.O. Box. But these letters that our mitigation
4 specialist observed were stamped received by MDC May 22nd,
5 received by him, which was this Monday, which was whatever that
6 was, May --

7 THE COURT: June 12th.

8 MR. DE CASTRO: June 12th. So that becomes difficult.

9 Now, she read the order to him, so she read it to him.
10 But that was the way that was communicated.

11 THE COURT: Okay. Well, I appreciate your sharing
12 that. The court liaison is here and has heard what you had to
13 say, and I'm sure we'll look into it and I will follow up with
14 him on that. This has been a recurring issue in this case and,
15 for that matter, other cases. But certainly between now and
16 September 11th, I want to ensure that these sorts of issues
17 don't derail us in any way, shape, or form. So I'll do what I
18 can to ensure that any issues on that front are addressed.

19 I would also anticipate, Mr. de Castro, that as we get
20 closer to trial, you'll be visiting Mr. Schulte on a more
21 regular basis. And given that I've made provision for you to
22 be able to share things, that is, transfer things in in-person
23 visits, I would urge you to bring copies of anything that had
24 been filed to ensure that Mr. Schulte has received them and
25 that should address some of these concerns going forward as

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1 well.

2 But bottom line is, as previously, I expect the
3 government and standby counsel to be providing things that are
4 filed, including and especially any orders that I issue. And
5 that should hopefully ensure that he receives them in a timely
6 fashion, but I will follow up with MDC to make sure that that
7 is the case.

8 Yes, Mr. Schulte. You seem to want to say something
9 on this. Hang on.

10 Mr. Denton, did you want to add something?

11 MR. DENTON: Just, your Honor, for purposes of the
12 history on this, I would note that during the period between
13 the fall and, I think, late March/early April, when Mr. Schulte
14 was represented by counsel, the government was not mailing him
15 every docket entry. We resumed that practice with the Court's
16 order setting a *Faretta* hearing, and then the government's
17 letters and everything that follows. So we are doing that now,
18 but there was a period of time when we were not.

19 THE COURT: That makes total sense to me.

20 Yes, Mr. Schulte.

21 MR. SCHULTE: I just wanted to note that I think,
22 through my inquiries to the BOP, long periods of the delay, two
23 to three weeks, they claim to be because the mail was being
24 reviewed by internal BOP and FBI pursuant to the SAMs. I just
25 wanted to bring this up because, according to the SAMs, my

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1 incoming mail is reviewed for any classified information that I
2 put in it, which doesn't make any sense because that's not
3 possible. So I think either -- there's no way -- it's just
4 arbitrary; there's no reason for my incoming mail to be
5 reviewed. And so it should either be --

6 THE COURT: All right. Mr. Schulte, I'm going to look
7 into the mail delay issue, and hopefully that will get to the
8 bottom of what, if any, causes there are of that and, more to
9 the point, ensure that going forward there is no such delay.
10 So I don't think we need to dwell on it further.

11 Turning to the other items that I addressed in the
12 June 6th order, I also sought to resolve Mr. Schulte's
13 recurring complaints about things like paper, pens, typewriter
14 ribbon, and the like. Let me be clear here too. I'm not
15 particularly interested in litigating the past. I have my own
16 reasons to doubt Mr. Schulte's representations on that front,
17 but that's neither here nor there.

18 There's three months between now and the trial date.
19 That's plenty of time to prepare for trial. The important
20 point is that I think there is now -- thanks in no small part to
21 the efforts of the court liaison, for which I thank him -- a
22 system in place going forward to ensure that these issues will
23 be addressed in a timely fashion. As promised in that order, I
24 have checked with the court liaison to ensure that those
25 representations are being met. He has reported to me on the

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1 whole that they have been, that Mr. Schulte's unit team has
2 visited him each weekday and run through the checklist of items
3 that are set forth in the order, with the exception, I think,
4 of Wednesday, when Mr. Schulte was in an extended legal visit.
5 He reported that there were two minor issues that arose, but,
6 as he understands it, both were addressed.

7 One, there was a mix-up with respect to the typewriter
8 ribbon, namely, commissary staff were apparently confused about
9 the proper one to order, but apparently he reports that he saw
10 the proper ribbon, I think, yesterday, and was assured that it
11 would be provided to Mr. Schulte yesterday.

12 And second, there was apparently a little bit of
13 confusion, at least in one instance, with respect to a member
14 of the unit team about the order or the permission for
15 Mr. Schulte and Mr. de Castro to exchange materials in their
16 in-person meeting, again, because that's a departure from
17 standard MDC policy, one that MDC has made at my request. I
18 think that has now been addressed. And my understanding is
19 that the acting warden has issued a memorandum to the relevant
20 staff, reiterating that Mr. Schulte and Mr. de Castro are
21 permitted to exchange materials. So I don't think that -- or
22 hopefully that is not an issue going forward.

23 I think, hopefully, that addresses all of those
24 issues. But, Mr. Schulte, to the extent that you were going to
25 say something earlier on this front, anything you wish to say

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1 about any of those items?

2 MR. SCHULTE: No. I was just discussing the mail. I
3 think once -- once the team began doing what was said here, I
4 mailed the Court notifying the Court that these materials were
5 being provided. The only question I have is to ensure that
6 it's the -- the entire -- his entire team is able to pass
7 documents to me, correct, not just Mr. de Castro.

8 THE COURT: Correct. I mean, counsel, using
9 Mr. de Castro's shorthand, but anyone working with
10 Mr. de Castro, indeed.

11 All right. Very good.

12 Let me just reiterate that, Mr. Schulte, to the extent
13 that you want to reconsider your decision to represent
14 yourself, in light of what you now clearly understand to be the
15 implications of that decision and the resources that are and
16 are not available to you, you should certainly think about it;
17 would urge you to discuss it with Mr. de Castro, and just
18 remind you again that the longer you wait to raise that issue,
19 the more danger it is that I would deny any application to go
20 back to having counsel. So it's in your interest to sort that
21 out sooner rather than later, and also for you to understand
22 that it's not a revolving door. If you go back to having
23 counsel, given that we are rapidly approaching the trial date,
24 in all likelihood, that would be a final decision and there
25 would be no going back. So you should understand that.

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1 Let's just go over the upcoming deadlines and
2 schedule, make sure we're all on the same page.

3 What I have is that June 30th is the deadline for
4 expert disclosures. July 14 is the deadline for motions *in*
5 *limine*, request to charge, and proposed voir dire. I will also
6 add the new deadline for the government to produce an exhibit
7 list and copies of those exhibits in some form that Mr. Schulte
8 would be able to access.

9 July 28th, deadline for responses to the motions *in*
10 *limine*; August 11, deadline for the production of 3500 and 26.2
11 materials; September 6 at 10 a.m. is the final pretrial
12 conference; and September 11th is the trial.

13 Did I miss anything? Anyone think I got any of those
14 wrong? I'm going to issue a bottom-line order after today's
15 conference and memorialize those so that we have an up-to-date
16 schedule.

17 MR. DENTON: That's correct, your Honor.

18 One thing I would note in connection with, sort of,
19 the exhibit list and the motions *in limine* running in parallel,
20 I expect there will be some motion practice from both sides
21 about the actual introduction of child pornography exhibits at
22 trial and the relevant scope of any of that. Again, we're
23 working to compile a list and be candid with standby counsel
24 and Mr. Schulte about what we intend to do on that score. We
25 will come up with a way to address that in the exhibit list as

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1 well.

2 THE COURT: All right. And also, this should be
3 obvious, but just to be clear, to the extent that there are
4 things that would be subject to the Adam Walsh Act on the
5 exhibit list, you don't need to turn over copies of those to
6 Mr. Schulte, as long as they are available to standby counsel
7 and the expert in a manner consistent with the Adam Walsh Act.

8 All right.

9 MR. DE CASTRO: Judge, you said September 6 was the
10 final pretrial, right?

11 THE COURT: Correct.

12 MR. DE CASTRO: I just wanted to make sure my calendar
13 was right. Ten o'clock, I think; is that right?

14 THE COURT: That's what I have. Ms. Smallman is
15 nodding her head, so that seems to be correct.

16 MR. DE CASTRO: I think that's right.

17 THE COURT: Yes.

18 And, Mr. Denton, in light of the dropping of the
19 copyright charges, I don't know if that alters your estimate or
20 you have a better sense as we get closer of trial length, but
21 any update on that front?

22 MR. DENTON: No, your Honor.

23 I think one of the significant issues that we'll start
24 discussing now is what, if any, stipulations we're going to be
25 able to reach, again, in particular with respect to the victims

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1 of the child pornography offenses. I think if we end up in a
2 scenario where we need to call a bunch of people to authenticate
3 that they are, in fact, pictures of minors, that will expand
4 the scope of the trial. I would not imagine that's in
5 Mr. Schulte's interest, but that will have a fairly significant
6 effect, I think, on what the length of the trial is.

7 THE COURT: So what's your best estimate now, assuming
8 that you do not get those stipulations, as to how long trial
9 would be.

10 MR. DENTON: I think we would certainly be done within
11 two weeks.

12 THE COURT: Okay. And you're discussing the
13 stipulations now on an expedited basis?

14 MR. DENTON: We are coming up with a list of what we
15 think we would need, and we will discuss it with Mr. Schulte
16 and Mr. de Castro.

17 THE COURT: All right. Very good.

18 Is there anything in particular that we need to be
19 worrying about with respect to trial logistics, mechanics,
20 courtroom, etc., for this trial? At the last trial there were
21 many such issues, and we worked with them with the CISO; but
22 given the nature of this trial, I'm not sure that there is
23 anything out of the ordinary that is necessary.

24 Do you have a thought on that?

25 MR. DENTON: So the only thing that I'm aware of, your

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1 Honor, would be limitations on the display of exhibits of the
2 child sexual abuse materials.

3 THE COURT: Let me qualify what I said.

4 Ordinary child pornography trial. That is to say, you
5 know, I'll certainly do what needs to be done on that score,
6 but aside from those types of things, anything else?

7 MR. DENTON: No, your Honor.

8 THE COURT: Okay.

9 All right. Mr. Schulte, anything you want to say with
10 respect to these matters, the deadlines and what I just
11 discussed?

12 MR. SCHULTE: No, I don't think so.

13 THE COURT: All right.

14 So that's all that was on my agenda.

15 I'm not going to -- before I ask if you have anything
16 further, I'm not going to put any conferences on the calendar
17 between now and the September 6 final pretrial conference. But
18 obviously, based on whatever issues are raised in Mr. Schulte's
19 filings and the parties' filings on or before July 14th, it may
20 warrant reconvening, in which case I will schedule a conference
21 and we will reconvene. But if you have any reason to think
22 that we should reconvene, you can certainly let me know and I
23 will take that under advisement.

24 Anything else from the government?

25 MR. DENTON: No, your Honor.

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1 THE COURT: Mr. Schulte?

2 (Mr. Schulte confers with standby counsel)

3 MR. SCHULTE: No.

4 THE COURT: All right.

5 Before we adjourn, let me just say, we're a little
6 less than three months out from trial. In my opinion, given my
7 understanding of the nature of the evidence and charges to be
8 tried at this trial, that is plenty of time to prepare for
9 trial, even with some of the issues that Mr. Schulte has raised
10 in the last three months.

11 That being said, I just want everybody to hear me loud
12 and clear, we're certainly entering crunch time, which means
13 that these issues need to be resolved and put to rest and
14 attention needs to be devoted to preparing for trial. So that
15 means, in the first instance, to the extent that Mr. Schulte
16 has any issues, the burden is on him and Mr. de Castro and his
17 team to identify what those issues are, and work with the MDC
18 and work with the government to try and resolve them in a
19 practical and meaningful fashion.

20 The government has offered repeatedly to try and do
21 what it can do to facilitate, and I appreciate that. And I do
22 not doubt their representations on that front, but Mr. Schulte,
23 in my opinion, has not raised things in a manner that enables
24 the government – let alone me – to resolve these issues in a
25 practical or meaningful manner. Bottom line is everybody here

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1 – and that includes the court liaison who is listening – needs
2 to understand that, going forward, time will be of the essence.
3 So it's not the time to just, you know, engage in a
4 letter-writing campaign and raise things in a conclusory or
5 generalized fashion; it's time to identify things with
6 particularity and fix them and work through to figure out
7 practical solutions to ensure that everybody has what they need
8 to try this case and ensure a fair trial.

9 With that, we are adjourned.

10 Have a good weekend, everybody. And that's it.

11 Thank you.

12 * * *